

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
E/S Brimley Court, SW/S of * ZONING COMMISSIONER
Treeline Drive (1 Brimley Court)
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 91-161-A
Eileen C. Misler
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to property line setback of 2'2" in lieu of the required 15 feet, and to amend the first amended partial development plan of Suburbia, Section 1, for a proposed attached garage in accordance with Petitioner's Exhibit 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. While the subject dwelling is located on a corner lot fronting Brimley Court, the proposed garage addition will be placed on the inside side yard. The Petitioner also has the support of the Architectural Standards Committee for the Homeowner's Association, and attached acknowledgement by the adjoining affected property owner, as evidenced by Petitioner's Exhibit 4. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements

of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of Dec., 1990 that the Petition for Residential Variance to permit a window to property line setback of 2'2" in lieu of the required 15 feet, and to amend the first amended partial development plan of Suburbia, Section 1, for a proposed attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed garage addition will be constructed in accordance with the requirements of the Department of Permits and Licenses as set forth in their comments dated November 15, 1990, attached hereto and made a part hereof. Further, the subject garage shall have proper gutters and rainspouts which are erected in such a manner as to direct all water runoff away from any adjoining residential properties.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

887-3393

December 14, 1990

Ms. Eileen C. Misler
1 Brimley Court
Reisterstown, Maryland 21136

RE: PETITION FOR RESIDENTIAL VARIANCE
E/S Brimley Court, SW/S of Treeline Drive
(1 Brimley Court)
4th Election District - 3rd Councilmanic District
Eileen C. Misler - Petitioner
Case No. 91-161-A

Dear Ms. Misler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section V.B.6.b to permit a window to property line setback of 2'2" in lieu of the required 15 ft and to amend the first amended partial development plan of Suburbia Section one for lot 24 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

See attachment

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):
EILEEN C. MISLER
(Type or Print Name)
Signature
(Type or Print Name)

Signature
(w) 966-1813
(M) 833-5361

1 BRIMLEY COURT
REISTERSTOWN, MD 21136

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 2nd day of Oct, 1990, that the subject matter of this petition be posted on the property on or before the 24th day of Nov, 1990.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently or upon entitlement will reside at
1 BRIMLEY COURT, REISTERSTOWN MD 21136
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
see attachment

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

Eileen C. Misler
AFFIANT (Handwritten Signature)

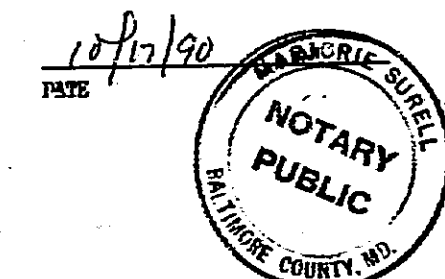
EILEEN C. MISLER
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Eileen C. Misler

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.



Marjorie J. Sauer
NOTARY PUBLIC
My Commission Expires: 2/1/95

HARDSHIP OR PRACTICAL DIFFICULTY

- 1.) The proposed attached garage must be placed on the right side of the property (facing the front of the house) because the left side is on the corner of the main street and there must be a 25 ft. easement as required by Baltimore County.
- 2.) The proposed garage is to be attached and therefore cannot be placed on the back on the property because there is no way to attach a garage that would be accessible in the back.
- 3.) The parking pad that will be used for the garage is currently on the right side of the house. Placing the garage on another spot would necessitate removing the parking pad and relocating it, which would make the cost prohibitive.

ZONING DESCRIPTION

Beginning at a point on the SW side of Treeline Drive (60 FT. R/W), at the intersection with the eastern most R/W line of Brimley Court (50 FT. R/W) being lot 24 of section one of Suburbia, Plat Book 59 Folio 75, also known as #1 Brimley Court in the 4th election district.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: November 16, 1990
Posted for: Residential Variance
Petitioner: Eileen C. Misler
Location of property: 54 1/2 Treeline Drive at Eastern most side of Brimley Court #1 Brimley Court
Location of Sign: In front of 1 Brimley Court
Remarks:
Posted by: S. J. Doster Date of return: November 16, 1990
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3773

Date:

10/29/90

HS100182

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$25.00
080 - POSTING SIGNS / ADVERTISING	1 Y	\$25.00
TOTAL:		\$50.00

LAST NAME OF OWNER: MISLER

04ADA#3054WICHC
38 0385 038A10-30-90 \$60.00

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 7, 1990

Ms. Eileen C. Misler
1 Brimley Court
Reisterstown, Maryland 21136

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 92-161-A
LOCATION: SW/S Treeline Drive at Eastern-most side of Brimley Court
1 Brimley Court

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 21, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 6, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post on then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 6, 1990

Ms. Eileen C. Misler
1 Brimley Court
Reisterstown, MD 21136

RE: Item No. 183, Case No. 91-161-A
Petitioner: Eileen C. Misler
Petition for Residential Variance

Dear Ms. Misler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
23rd day of October, 1990.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Eileen C. Misler

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 3, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166
Earlie E. and Linda R. Towe, Item No. 170
Roland H. and Darlene Farlow, Item No. 171
Kwan Moo Lee, Item No. 173
Harry E. Belsinger, et al., Item No. 175
Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Polczynski, Item No. 181
Bruce D. and Mary V. Prith, Item No. 182
Eileen C. Misler, Item No. 183
William M. and Constance M. Pitcher, Item No. 185
Key Federal Savings Bank, Item No. 186
Stephen D. and Wendy K. Mooney, Item No. 189
Brian D. and Tullia Briscoe, Item No. 193
Charles Henry and Vickie Jean Wallis, Item No. 195
Sharon Plaskowski, Item No. 196
Gary E. Stahl, Item No. 197
Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203
Robert E. and Karen F. Egan, Item No. 207
Javad Darbandi, Item No. 208
Thomas D. and Jeannette Considine, Item No. 209
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/2AC1

received
12/10/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

NOVEMBER 21, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EILEEN C. MISLER

Location: #1 BRIMLEY COURT

Item No.: 183 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Noted and Approved
Special Inspection Division

JK/KEK

received
11/24/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 16, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 20, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 165, 166, 171, 173, 174, 175, 183, 185, 190, 191, 192, 197 and 198.

Item 184 is subject to the previous County Review Group comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

DWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990

received
11/24/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF PERMITS & LICENSES

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 183
PROPERTY OWNER: Eileen C. Misler
LOCATION: SW/S Treeline Dr., at Eastern-most side of Brimley Ct. #1 Brimley Court
ELECTION DISTRICT: 4th
COUNCILMANIC DISTRICT: 3rd

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

(X) PLAN DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. Openings protected or unprotected are not within 3'-0" of an interior fire line. The wall shall be 1 hr rated - The bldg. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - See sheet attached showing a limited number of fire rated wall assemblies that are acceptable.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

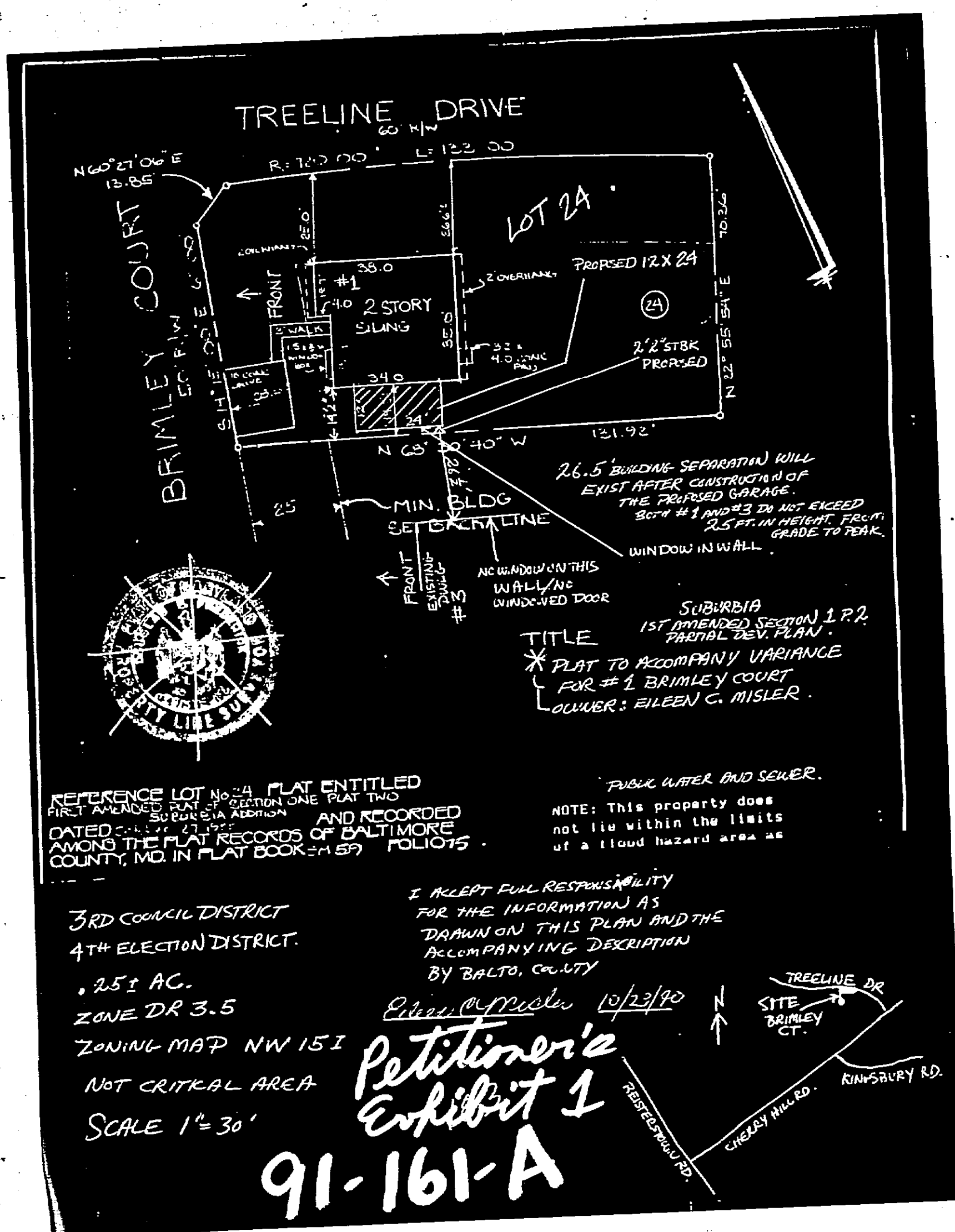
APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

7/11/90
TYPICAL APPROVED ONE HOUR ASSEMBLIES
FOR USE ON RESIDENTIAL BUILDINGS
WITHIN THREE(3) FEET OF PROPERTY LINE
(NO OPENINGS ALLOWED) EXTERIOR FINISH REQUIRED
TABLE 406.3

MASONRY WALL *
Design No. U464
Bearing Wall Rating=2 HR
Nonbearing Wall Rating=2 HR
* Max. unsupported height with
block must be 8' or
more in thickness. See 1986
CBO, Section R-404.1.

STEEL STUD WALLS

Design No. U464
Bearing Wall Rating=1 HR
Design No. U464
Bearing Wall Rating=1 HR



CASE #: 91-161-A

PETITIONER'S EXHIBIT # 2

CASE #: 91-161-A

PETITIONER'S EXHIBIT # 3

183

ARCHITECTURAL STANDARDS COMMITTEE
6615 Reisterstown Road, Suite 205
Baltimore, Maryland 21215

October 23, 1990

Ms. Eileen Mislter
1 Brimley Court
Reisterstown, MD 21136

Dear Ms. Mislter:

This will formally acknowledge receipt of your request and sketch describing the garage you plan to build on to your house at 1 Brimley Court at Timbergrove. This letter will constitute approval.

You must also comply with all Baltimore County building and zoning regulations, including permits where required. Furthermore, it is also your responsibility to make certain that the changes you make will not inhibit the approved grading, drainage and sediment control plans for your property or that of your neighbors.

It is a further condition of this approval that the homeowner indemnifies and holds harmless the Homeowner's Association, the Board of Directors and the Architectural Standards Committee from and against any loss, cost, damage or expense relating to or arising out of any work performed on applicant's property. The scope of such indemnity shall include, without limitation, physical injury, property damage and damage to roads, walks, landscaping or other common or public areas or facilities.

We thank you for your cooperation in this matter and for your recognition of the value of the restrictions that have been established for Timbergrove.

Sincerely,

Josh E. Fidler
Architectural Standards Committee

JEF:lls
C: Property File
Sales Office

Petitioner's Exhibit 4 91-161A

